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STATE OF CALIFORNIA
Edmund G. Brown, Jr., Governor

**MINUTES
SAN JOAQUIN RIVER CONSERVANCY**

Governing Board

Wednesday, November 15, 2017,

Board Meeting Location:

Fresno City Council Chambers

2600 Fresno St., Fresno, CA 93721

**The following location is also open to Board members
and the public for attendance via phone conference:**

California Natural Resources Agency

1416 Ninth Street, Ste. 1311

Sacramento, CA 95814

MEETING AGENDA

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairperson Borgeas called the meeting to order at 10:04 a.m.
and led the pledge of allegiance.

A. ROLL CALL

Name	Present	Telecon- ference	Absent	Late
Mr. Andreas Borgeas	X			
Mr. Brett Frazier	X			
Mr. Steve Brandau	X			
Mr. William Oliver	X			
Mr. Roy Spina	X			
Mr. Carl Janzen	X			
Ms. Julie Vance	X			
Mr. Kent Gresham	X			
Mr. John Donnelly	X			
Ms. Julie Alvis	X			
Ms. Jennifer Lucchesi	X			
Ms. Karen Finn	X			
Ms. Bryn Forhan	X			
Mr. Paul Gibson	X			

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GOVERNING BOARD

Andreas Borgeas, Chairperson
Fresno County Board of Supervisors

Brett Frazier, Vice-Chairperson
Madera County Board of Supervisors

Steve Brandau
Councilmember, City of Fresno

William Oliver
Councilmember, City of Madera

Roy Spina, Director
*Fresno Metropolitan Flood Control
District*

Carl Janzen, Director
Madera Irrigation District

Julie Vance, Regional Manager
Department of Fish and Wildlife

Kent Gresham, Sector Superintendent
Department of Parks & Recreation

John Donnelly, Executive Director
Wildlife Conservation Board

Julie Alvis, Deputy Assistant Secretary
Natural Resources Agency

Jennifer Lucchesi, Executive Officer
State Lands Commission

Karen Finn, Program Budget Manager
Department of Finance

Bryn Forhan
Paul Gibson
vacant
Citizen Representatives

Melinda S. Marks
Executive Officer

Ms. Raus confirmed that a quorum was present.

Legal Counsel Present: Michael Crow, Deputy Attorney General
Christina Morkner Brown, Deputy Attorney General

Staff present: Melinda Marks, Executive Officer
Rebecca Raus, Associate Governmental Program Analyst
Jasanjit Bains, Staff Services Analyst
Heidi West, Program Manager, San Joaquin River Conservancy
Projects, Wildlife Conservation Board

B. PUBLIC COMMENT & BUSINESS FROM THE FLOOR

The first ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are not on the agenda and are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

Public Comment:

Mr. Robert Getz, a resident at Wildwood Mobile Home Park in Madera County, expressed concern regarding the mobile home park's backyards and stated that they have not heard back from State Lands Commission regarding it. He stated that Wildwood Native Park needs to be cleaned up. Wishes that we could get the State Parks involved from Friant Dam to Highway 99 to take care of the river. Try and get some maintenance money and help us with the Wildwood Native Park.

Mr. Tom Bohigian, a resident of Fresno, stated that he would be willing to volunteer to help clean up the parks.

Board Comment:

Mr. Borgeas informed the audience that there are speaker cards available for those who would wish to comment on the agenda item and that there will be a time limit of two minutes.

C. ADDITIONS TO THE AGENDA

Items identified after preparation of the agenda for which there is a need to take immediate action. Two-thirds vote required for consideration. (Gov. Code § 54954.2(b)(2))

None.

D. POTENTIAL CONFLICTS OF INTEREST

Any Board member who has a potential conflict of interest may identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

None.

E. MINUTES

None available for approval at this time.

F. CONSENT CALENDAR

All items listed below will be approved in one motion unless removed from the Consent Calendar for discussion:

None.

G. DISCUSSION

- G-1 Consider and Take Action on: 1. Certification of the River West Fresno, Eaton Trail Extension Environmental Impact Report, and 2. Approval of the Project or an Alternative, Including Adoption of Findings and Mitigation Monitoring and Reporting Program

Staff Recommendation: After providing an opportunity for public comment, it is recommended the Board, the lead agency for the proposed River West Fresno, Eaton Trail Extension Project consider and take action to:

1. Certify the River West Fresno, Eaton Trail Extension Final Environmental Impact Report (FEIR), through adoption of Resolution 17-01, which, in accordance California Environmental Quality Act (CEQA) Guidelines Section 15090, certifies the FEIR was completed in compliance with the CEQA, was presented to the Board, which reviewed and considered the FEIR information, and reflects the Board's independent judgement; and
2. Approve the proposed Project or, approve Alternative 5B (inclusive of the proposed Project features) to provide greater access from the City of Fresno, through approval of a resolution specific to the Board's preferred project, including exhibits presenting the necessary Findings of Fact and Mitigation Monitoring and Reporting Program to satisfy the requirement of CEQA Guidelines Sections 15091, 15092, and 15097; the alternate resolutions (Resolution 17-02 or Resolution 17-02a) and exhibits necessary to approve either the proposed Project or Alternative 5B shall be provided to the Board before the Board meeting; or,

If, after deliberations, the majority of the Board prefers another of the alternatives or a combination of alternatives, the Board may direct staff to develop the necessary documents, including a resolution of approval, a EIR addendum if required, Findings of Fact (including a statement of overriding considerations if necessary), and a Mitigation Monitoring and Reporting Program specific to that preferred alternative, and to bring item to the Board for consideration at the next possible Board meeting, expected to be December 13, 2017.

Ms. Marks introduced Ms. Jasanjit Bains, who started today and is serving in the Staff Services Analyst position. Jasanjit is a graduate of UC Davis and served at the Department of Corrections and Rehabilitation for a number of years.

Ms. Marks reported that Ms. Rebecca Raus not only carried the load for distribution, mailing list, and copying for the River West EIR, she also reviewed the text thoroughly and set it up on the Conservancy's website. She has worked some weekends to help complete this project, but also

in the three years she has been with the Conservancy, she has spent a year and a half as the only support staff. She manages and procures dozens of contracts, pays the bills, assists with budgeting, and keeps everything organized. In September she finalized a slurry seal contract for the Conservancy's Friant Cove property, which required a request for bids package. Ms. Marks commends her work and appreciates her service.

Ms. Marks reported that Ms. Christine Morkner Brown, Deputy Attorney General, has guided all the revisions in the Partially Revised Draft EIR. She has, along with Ms. Marks, read, written, and edited every page of the documents before the Board today.

Ms. Marks stated that Mr. David Young, Project Manager for AECOM, and has served as the project manager for this project for several years and was in attendance.

Ms. Marks realized the Board and public had a mountain of new material to read in the responses to comments Volume II. She reminded the Board that the information in Volume I and III of the FEIR, and the findings and resolutions are combinations of material that have been made available in the Draft EIR and Partially Revised EIR since the middle of August. Conservancy staff and the Consultant worked as hard as we could to get the material out and on the website. The Conservancy met all of the CEQA and Brown Act requirements.

Ms. Marks stated that the proposed Project would extend the much loved and highly visited Eaton trail and provide a trailhead parking area. It has been clear since early on the Board desired a wide and unusual array of options, this made for a challenging EIR and made for huge challenges in managing the project. The EIR and the recommendation today maintain as much discretion to the Board as is possible. What is being presented is the full documentation for approval of either of two options with less than significant impacts. The Board has flexibility; if the Board majority does not wish to pursue one of the staff recommendations, the Board should follow the path identified at the end of the recommendation. Staff could develop the appropriate documentation to support the other options with the Board input. Timing is critical, there is only one month remaining to have consulting services available and given the work so far, not much left in the budget.

Ms. Marks recommended the Board at a minimum support the proposed Project because it is consistent with the Conservancy's policies and can be implemented unilaterally under the Board's own authority, and with no complications. It reflects the fundamental core project and elements to extend the Eaton Trail. She noted that the City of Fresno has been closely involved in planning this project since 2008 and currently operates and maintains the existing Eaton Trail. The Board was open to accepting the City's offer to broaden studies and options, including the development of Alternative 5 and Alternative 5B. Board members have stated the need to find way to partner with the City on this project going forward. When development of Alternative 5B came before the board only one Board member did not support considering it as a way to provide access from Fresno, given the controversy over Alternative 1 and 5. The Board at that time knew there were some challenges.

Ms. Marks stated that she wanted to clear up some misconceptions regarding Alternative 1. The impacts described in the EIR as significant are related to an incremental increase in traffic at Audubon and Del Mar at an intersection the City has identified as below standards. The impact is significant and unavoidable because the Conservancy cannot on its own install a traffic signal to mitigate the impact. It is not because the neighbors object or because the City and County object. However, the Conservancy was created as a multi-agency board to generate cooperation, and there is a Parkway Master Plan policy that encourages cooperation with local agencies in planning

the Parkway. The City has been an important partner in operating the Eaton Trail and there may be mutual benefits to continue to cooperate in the design and planning for the project. She noted that the Board and public will hear from City representatives that they support Alternative 5B. Alternative 5B presents challenges and the added improvements cannot immediately be implemented by the Conservancy. There are issues that need to be resolved, but if they were solved it would provide a location for a second access toward the western end of the project site near the river and at the grade of the trail.

Ms. Marks noted that the Board has discretion and three options for providing added access to the site, which unfortunately leaves the Board with challenges to determine what the majority can support. She recommends that the Board certify the EIR and all Board members should support the elements described in the proposed Project. The remaining thing to debate is if the Board would like to add an access point on the Fresno side. The City operates the Eaton trail, which benefits 33,000 visitors annually just in one peak hour. The community needs the City as a partner to operate the future trail. She encouraged the board to secure a renewed commitment from the City to include the extended trail and the Parkway within the City in the park system for the benefit of its residents, and for the City to work to find resources to operate the project.

If the Conservancy will be on its own in developing and managing the proposed trail, then there is less at stake if the Board wants to instead approve Alternative 1, subject to the development of appropriate findings. If there are remaining desired elements that are not approved, the Board can direct staff to work toward resolving issues such as cleanup, land acquisition, installation of the traffic signal, and proceed toward Board approval of those elements based on the certified EIR when the time is right.

Ms. Marks noted that the Final EIR found the proposed Project would result in less than significant impacts to all resources areas, with the incorporation of the identified mitigation measures. The proposed Project is consistent with goals, policies, and objectives in the Parkway Master Plan. It is located on state-owned land under the Conservancy's jurisdiction. Subject to certification of the Final EIR, staff recommends approval of the proposed Project through approval of Resolution 17-02.

Ms. Marks continued that for Alternative 1, the Final EIR concluded that presents a potentially significant impact that could be reduced to less than significant by conditioning the West Riverview Drive entrance and parking area upon the City constructing and operating traffic improvement identified in Mitigation Measure Alt. 1-Traffic-1. Otherwise, the Final EIR found the impact would be significant and unavoidable. Alternative 2 is not recommended by staff, due to the preponderance of public support expressed for a trail alignment nearer the river and farther from bluff residences. The Final EIR found that Alternative 3 requires additional mitigation measures beyond those required for the proposed Project. It conflicts with policies of the Parkway Master Plan that require a minimum width of 200 feet on both sides of the River and require a buffer of 150 feet to be est. between riparian habitat and the planned multi-use trail. The impact from this conflict was determined to be significant and unavoidable and is not recommended by staff. Alternative 4, no on-site parking, was found to be significant and unavoidable and is not recommended by staff. The Final EIR found that Alternative 5 would require mitigation measures beyond those for the proposed Project to address the potential for exposure to hazardous materials associated with operation of a former landfill. Alternative 5B is recommended as an acceptable alternative to the proposed Project, although there remain challenges associated with securing cleanup of construction wastes disposed on the property prior to acquiring the land. Subject to certification of the FEIR, the Board may approve Alternative 5B inclusive of the proposed Project through approval of Resolution 17-02a.

Chairperson Borgeas invited Mayor Lee Brand to speak.

Mayor Lee Brand of the City of Fresno, read an opinion piece that he wrote in 1998 regarding the San Joaquin River. He mentioned that he served six years on the San Joaquin River Parkway and Conservation Trust's Board, and strongly supported improved access to the river. He noted that he served on the San Joaquin River Conservancy governing board when the Conservancy purchased River West from the Spano family. A lot of people bear the responsibility, including the City of Fresno, for it taking 15 years to get to this point. He noted that in May 2017 he and the City Manager came to the Conservancy Board and requested time to allow the City to study Alternative 5B. During that time there was a lot of criticism that the City was trying to delay the project. He noted that the City did complete the study and delivered on their promise. He stated that the City of Fresno supports the Conservancy's staff recommendation regarding Alternative 5B. Mr. Brand's administration has been all about collaboration and partnerships. He promises as long as he is mayor that his resources and time are committed to completing an access road and furthermore committing Fresno to working with our partners to build a 2.4-mile trail and to find the long-term funding source to maintain the trail. He noted that Alternative 5B is the best option and requests the Board to vote on the approval of Alternative 5B.

Mr. Bruce Rudd, former City Manager, stated that this has been a long and arduous journey to get to this point. It is obvious that the community is supportive of this project. Once the Board has made its decision, the next step is to define the management activities that are going to occur at the site and identify the long-term sustainable funding needed to ensure the investment does not deteriorate over time as we have seen in similar investments. He noted that the City of Fresno is in support of Alternative 5B.

Mr. Borgeas thanked Ms. Marks and her team for completing the work. He has been involved in this issue for approximately nine years, and at times did not think that this day was going to come. He asked members of the public, even if you are advocating for what you believe is the best interest of the community, and also the colleagues on the Board, as we engage in spirited debate on what is the best path forward to maintain civility. After 10 years and endless meetings and discussions, we are finally here to make a decision. Staff's recommendation will get this project done, and we are going to finish it in 2017. Asked the Board members when you look at these alternatives and the staff report, to disregard noise, such as opinion pieces that misrepresent facts and advocacy groups that distort items personal interest that have over taken the general good. We have an opportunity today to see through that, to listen past it, and make a decision to make this project a reality and we can only move forward with a viable project. He stated that he personally supported Alternative 3, but in the interest of making this project move forward he is putting aside his personal preference for Alternative 3 and will defer to the people who are most knowledgeable, and the path that brings our community this project. He was supporting staff's recommendation.

Mr. Brandau stated a significant piece of history will be made by this board today by selecting a new trail project for our community and guests to enjoy. Throughout this process we have heard from hundreds of residents in our region. He thanked Ms. Marks and her team for all the work that has been done over the last several years. This is a significant addition to our region and the Conservancy exists to provide these types of amenities for the community to enjoy. He stated that the City of Fresno has remained a steadfast partner in getting to this point. The City of Fresno believes the EIR should have gone into greater detail on the activities that would be on the river bottom. In his opinion the EIR is guessing on the number of parking spaces necessary and the impacts on traffic and emergency services. These impacts are not just physical but budgetary and

fiscal impacts. These details impact how you plan for something and budget. He mentioned a trip he took recently to Alabama and had the opportunity to dine on the Black Warrior River. Businesses along the river did not interfere with the trail.

On inquiry from Mr. Brandau, Ms. Marks confirmed that Alternative 5B is inclusive of the features of the proposed Project.

Mr. Brandau made a motion to accept staff's recommendation to certify the EIR and approve Alternative 5B. In addition, schedule annual status updates on the progress of the Alternative 5B access point starting in January 2018 with the understanding that so long as all parties are acting in good faith to develop Alternative 5B, but despite that reasonable progress on Alternative 5B is not being made, this board may reconsider the point of access, including other alternatives in the EIR.

Mr. Borgeas requested that Mr. Brandau pull his motion until after the public hearing.

On inquiry from Mr. Oliver, Ms. Marks provided clarification regarding phasing. She noted that if the Board, for insistence, approved Alternative 1 inclusive of the proposed Project, the Conservancy would begin to develop the operations and maintenance funding, once the funding is in place the Conservancy could begin the design and construction of the elements of the proposed Project, and at such time if there was a traffic signal in place we could begin implementing the other elements.

Mr. Donnelly thanked Ms. Marks and staff for their work on this project. He also thanked Ms. Heidi West from the Wildlife Conservation Board staff for her assistance with this work.

On inquiry from Mr. Donnelly, Ms. Marks reported that all of the proposed alternatives that include additional access are inclusive of the proposed Project elements. She stated that each trail alignment is independent from one another.

On inquiry from Mr. Donnelly about whether the Conservancy would be in a position to contribute to the traffic signal, Ms. Marks reported that in the mitigation measure it states that the Conservancy would be providing a portion of the cost to install a traffic light at the Audubon and Del Mar intersection.

Ms. Alvis thanked the Conservancy's staff for diligently working on this project. She stated that she is excited by this opportunity for the City of Fresno to continue to provide access to the San Joaquin River. Rivers are fabulous to have in a community, and Fresno is fortunate to have this opportunity.

Ms. Alvis noted that not all of the alternatives have the supporting documentation ready to approve and take action. She wanted to confirm that the Board has the opportunity to direct staff to complete the documentation and return at the December meeting. Ms. Marks reported that, yes, the Board has the ability to direct staff to come back at the December meeting to consider another alternative, but if the majority of Board were to decide on an alternative that has a significant unavoidable impact the Board needs to identify the additional benefits, so that those would be added to the findings. There would be two steps today: certify the EIR; and approve in concept the other alternative, and direct staff to return with the proper documentation at the December meeting. Ms. Morkner Brown added that if one of those alternatives that the Board chooses has a significant impact, under CEQA the findings also need to identify why the Board rejected the other alternatives that had less impacts.

Ms. Vance expressed her pleasure that the Board was at a point to make decisions about public access, and thanked staff for completing a monumental task. With either 5B or the Proposed project, there would still be pedestrian and bicycle access at Riverview Drive. Would there still be a significant traffic-related impact due to visitors accessing Riverview Drive? Was there a traffic analysis for those driving into the neighborhood to park on the streets to access the site?

Ms. Marks reported that there would be pedestrian and bicycle access at West Riverview Drive and several other locations. The significant impact for Alternative 1 was a traffic related impact created by people arriving by vehicles to the entrance. She did not have the information relating to a traffic impact for walk-in/bike-in users. There is currently a level of existing parking to use the existing City path, and with an entrance with 40 parking spaces you would have more in-and-out traffic contributing to the impact.

Ms. Morkner Brown stated that the EIR has very specific traffic counts associated with the increased vehicle traffic at the intersection at Audubon and Del Mar; the impact has to do with the degree of delay that is caused, which is a 5 second delay.

Ms. Vance requested information from a representative of the City. She thanked the City for its pledge of support. Would the City still support the project if the Board approved something other than the proposed Project or Alternative 5B?

Mr. Scott Mozier, the Public Works Director for the City of Fresno, restated the question: for Alternative 1 with pedestrian and bicycle access would we see the traffic counts from people driving to that location being the same as people driving to the parking lot under Alternative 1? Alternative 5B, with pedestrian and bicycle access at Riverview, would that have the same traffic counts at the intersection as Alternative 1 with vehicle access to the parking lot? Based on his professional experience as a licensed traffic engineer, it would not be same because people would drive to a trail parking lot at the river bottom because they are attracted to driving to that location. People accessing by walking or biking would be largely in the local neighborhood. People who would be driving from a greater distance would drive to the parking lot closest to the amenity. The traffic analysis in the EIR and the impact shown on Audubon and Del Mar, the City agrees that Alternative 1 would result in the need for the project to signalize that intersection; that is not an alternative that the City of Fresno supports.

Ms. Finn inquired as to whether, if Alternative 1 and Alternative 5B were both built, would that alleviate the traffic impact of Alternative 1? Ms. Marks reported that the EIR looks at the impact of Alternative 5B on several intersections including Audubon and Del Mar, but the EIR did not consider that the Board would approve both of alternatives. We are developing a low impact recreation area for access and staging to a trail; if all parking areas were approved that would be a lot of parking spaces, while the design is intended to keep the use low-impact, not to accommodate large group activities, and things like that.

Mr. Gresham thanked Ms. Mark and Ms. Raus, and said the Conservancy is fortunate to have a good staff; and stated that he is looking forward after seven years of being a Board member and talking about this property, moving forward in this project.

Mr. Frazier stated that he enjoys being on the Board, feels fortunate to sit on a good board with intelligent representatives, a good staff, and recognizes how big a benefit the Parkway can be for the region. He wants access--period. He noted that Madera County has a Master Plan to implement access on the Madera side. He thanked the City of Fresno for following through on

their pledges. Stated being in public office he has noticed that people don't trust the government and looking at the mistakes that were made in the past he understands why. It has been an important thing and he tells his staff if they say something they need to follow through. By the City of Fresno coming forward and saying we're going to study this and get it done by this point for Alternative 5B and following through with that, shouldn't create mistrust from the public, it should build trust. This problem is that this is set as though there are winners and losers. The common denominator is to provide access to the river for people. Wherever this goes, we need to take all of the effort and start working together to make it happen. He stated suing because we didn't win this battle is losing sight of our goals and what we want to get don; bringing benefits to the people. He asked the City to thoughtfully consider whether they were truly committed to providing access, no matter the outcome by the Board.

Mr. Frazier asked if both Alternatives 1 and 5B were approved, would that distribute the traffic to mitigate the potential impact of Alternative 1 alone. Ms. Marks reported that since the EIR did not look at combining the two access points, the Conservancy would have performed that analysis if the Board wanted to combine Alternatives 1 and 5B. Three parking areas for a two mile trail might be too much.

Mr. Borgeas noted that the board heard from the attorney from DOJ before, if this board were to choose a combination of alternatives would that require the Conservancy staff to go back and restudy with the consultant. Ms. Marks responded that it would be analyzed to determine if the EIR analysis is adequate to cover the combined alternatives. This could be done by an addendum.

Ms. Morkner Brown added that an addendum can be done provided there are no new significant impacts. If it triggers a new or more severe impact, then the Conservancy would have to do a supplement that has to go out for comment.

Mr. Frazier asked if an addendum could be developed by the December meeting? Ms. Marks reported that it depends on the scenario the Board would be proposing. Combining two additional entrances would result in more capacity and use, more vehicle miles traveled, etc., and she could not say for sure those could be evaluated adequately by December 13. Mr. Frazier noted that it is an option.

Mr. Frazier then asked how long it would take to implement the alternatives—is it true that there is immediate access at Alternative 1? Ms. Marks responded for Alternative 1, for example, it's presented in the EIR that the entrance improvements wait to be implemented until the City installed the traffic signal. She stated that a traffic light at that intersection is low on the City's priorities list. With regard to Alternative 5B there is the issue of construction and demolition waste on the site where the parking area would be. The landowner who has indicated that he is willing to sell needs to secure a closer plan and approval from the regulatory agencies.

Mr. Frazier asked which agency regulates the closure plan and whether the agency sits on the Conservancy Board. Ms. Marks responded that it is the County of Fresno (a Certified Unified Program Agency) that could sign off on the closure. The Conservancy would be able to implement the proposed Project elements while working on the other issues.

Mr. Frazier asked about the estimated costs. Ms. Marks responded that the proposed project (core elements) is estimated to cost \$3.5 to 4 million and is based on Department of Water Resources' costs for elements of the fish hatchery project. Based on the feasibility study done by the City of Fresno, at a 30% design, Alternative 5B is estimated to cost \$5.2 million. Total cost for

the project would be \$9 million. Ms. Marks noted that the Conservancy does not have a cost estimate for Alternative 1—basically it involves an entrance, parking, and trail connection, and would be less than the proposed project but somewhere in the range of \$2-3 million.

On inquiry from Mr. Borgeas, Ms. Marks noted that the costs for Alternative 5 and 5B do not include land acquisition for the parcels that are privately owned, and are subject to the landowner providing for any necessary remediation.

Mr. Mozier added that Alternative 1 was not part of the City's engineering analysis for cost. He would not be surprised if the costs for Alternative 1 started to pick up some of the extra costs that were found for Alternative 5B once they looked closer and performed geotechnical testing, drainage design, etc. Plus, there would be the cost for a traffic signal at Audubon and Del Mar and the potential for re-paving the neighborhood streets. The take away is the estimate for 5B is a good number because of the higher level of design.

On inquiry from Mr. Frazier, Mr. Mozier reported that Riverview Drive is a local residential street and Audubon Drive is a scenic collector that can handle traffic and large vehicles when needed. Del Mar is only a residential street and not designed for this type of access, such as higher traffic and larger vehicles.

Mr. Frazier asked if the Board was to choose one of the alternatives, and it is found it can't be implemented, can the Board choose to go back to another alternative—we would not need to start all over? Ms. Marks provided Mr. Brandau's motion as an example: if the Board were to approve Alternative 5B, which would include the proposed Project and Alternative 5B. The Conservancy starts the implementation of the proposed Project elements and comes back to the Board and informs them that Alternative 5B cannot be done. The Board then would need to reconsider Alternative 1 and make sure that the EIR is still adequate, that the environmental conditions that led to your decision are still the same. Within a certain number of years that might not be too risky, more years and there are more likely changes in conditions. As long as the Board can say the EIR is adequate and the Board has considered the information in the EIR, the Board can base a future decision on the EIR. Ms. Morkner Brown concurred.

Mr. Borgeas stated that some have argued that Alternative 5B would cost \$5 million, but Alternative 5 and Alternative 1 would have no costs. He asked Mr. Mozier to comment. Mr. Mozier reported that there are costs to develop access at each location, and the \$5 million cost of Alternative 5B would not be entirely extra.

Ms. Forhan thanked the Conservancy staff and the consultant for getting this done. Does Alternative 1 require the City of Fresno to change their adopted general plan? She stated that the Conservancy does not have land use decision making powers.

Ms. Morkner Brown stated that the analysis did not find that there would need to be a general plan amendment. Under general planning law, it would have to be a mandatory policy that is involved that would prohibit a certain use. The policy statement says that the Riverview Drive "should" not be used for public access; that doesn't sound very mandatory. One of the comment letters that the Conservancy received laid out some case law that points out that there are limitations on policies being able to limit public access to public roads, and only allowing certain people to use access roads and not others. The City policy discusses whether the private access easement on Conservancy land should be used for public vehicle access; the easement is on Conservancy land and it is up to the Conservancy to determine what access is allowed on that

easement on State land. She noted that State agencies are not subject to land use restrictions imposed by a local agency.

Ms. Forhan noted that the San Joaquin River Conservancy Act says that “all zoning or land use regulations shall remain the exclusive authority of the member agencies.” It is critical

Ms. Marks noted that when the state acquires the land, the state has the jurisdiction over land use on the property it owns. That authority was not changed by the SJRC Act. However, the Act says the Conservancy shall develop a Parkway between Friant Dam and Highway 99 consisting of 5900 acres—that’s the planning jurisdiction. The Act makes it clear that the Conservancy has no land use authority over any of the private property within the Parkway planning jurisdiction. If we have a private neighbor and they want to develop, we have no authority over that development

Ms. Talia Kolluri-Barbick, Supervising Deputy City Attorney for the City of Fresno, stated that the Conservancy has jurisdiction over the land that is in their control. The City of Fresno maintains land use authority over land that is in the City’s jurisdiction. With respect to the general plan policies to the extent that an alternative would require the City to make approvals or take action that would be inconsistent with the City’s general plan policies, the City then would need to engage in a General Plan amendment to adjust that policy. To the extent that the Conservancy’s actions would change City facilities and be inconsistent with General Plan policies, a General Plan amendment would be required.

Ms. Forhan asked staff to show the access points for each alternative. Ms. Marks showed the board and public where the entrance and parking areas would be located on Alternatives 5 and 5B, and reviewed the land ownership, including the location of private property. Ms. Marks thanked the City for providing audio-visual assistance for the meeting all day long.

Mr. Gibson noted that he had been present with the Mayor for an on-site luncheon when the property was purchased by the State. In 2008, he was part of a private citizen group to try to work out ideas to create an EIR. He noted that this has been a very long process, and thanked staff for hard work. On inquiry about the number of trail users (33,000), Ms. Marks reported that the number was developed by the City where they took an actual count of people on the trail during daily and weekend peak hours and she multiplied it to come up with the annual total of visitors during just the daily peak hour of trail use.

Ms. Lucchesi expressed gratitude to staff, and stated that it is very difficult to get all the documentation ready for the Board, but expressed concern regarding the staff recommendation. She noted that the proposed Project and the all of the Alternatives have pros and cons and it’s the Board’s job to weigh different policy considerations in deciding what project is in the best interest, not just the local community, region, and state. Without having equal information on the other alternatives, the material presents a skewed message to the public. She noted that all of the alternatives are available to the Board.

Ms. Lucchesi noted there is a willing seller for the Alternative 5B property, but who could be the purchaser? Ms. Marks reported that the Conservancy would be able to enter into negotiations to purchase the property subject to the cleanup of the property in Alternative 5B—or a letter from the County indicating no further cleanup action is required to support the proposed use. Ms. Lucchesi noted that this process could be protracted, and the State may not be willing to take on liability even if the property is cleaned up. Is it correct that it is a County agency that would sign-off on remediation, not the Regional Water Quality Control Board or Department of Toxic Substances Control? Ms. Marks agreed that other agencies may have a role in approval.

Mr. Janzen thanked the Conservancy staff. He noted that he had visited the site and none of the alternatives meet his goal. He noted that he would take parts of all of the alternatives and make a plan that would serve the public more than any of the alternatives. He stated that he doesn't like the Conservancy policy requiring the 200 ft. buffer from the river. He is glad to hear the Mayor say he is willing to work on this with the Conservancy on this project.

Mr. Spina said he is anxious to hear from the public. On inquiry from Mr. Spina, Mr. Mozier reported that more work might be required for Alternative 1 to improve the roads leading to the entrance for Alternative 1, due not just to the weight of vehicles, but also due to the level of traffic generation. He noted that the pavement was not designed for the proposed use. Mr. Spina said he felt the roads are capable of handling the weight of truck loads.

Chairperson Borgeas introduced the public comment period. He planned to allow only 2 minutes per comment, and for each speaker to fill out a comment card.

Public Comment:

Mr. Daniel Cederborg, Counsel for County of Fresno, stated he has been directed by the Fresno County Board of Supervisors to convey the County's support for Alternative 5B that the Board is considering for this project and reiterate County's strong opposition to Alternative 1. He stated the County has previously expressed this position in correspondence to the Conservancy. Mr. Cederborg states he has been instructed by the Board of Supervisors to inform the Conservancy Board that the county firmly supports the City of Fresno and the recommendation of the Conservancy staff. He expressed the County views its interests directly aligned with those of the City in this matter in terms of the concerns that have been raised by the City. He continued, as the County stated in its correspondence, Alternative 1 would be in conflict with provisions of the City of Fresno's General plan policies; it would have direct detrimental effect on area residents. The County commends Conservancy staff for taking all these issues into consideration and for its recommendation of Alternative 5 as the best possible alternative given all the relevant circumstances. He has been asked to express the County's hope to be able to work together with the Conservancy, the City of Fresno and the many community groups to work for final completion of project to benefit the entire region.

Mr. Bernard Jimenez, the Assistant Director for Fresno County Department of Public Works, stated that he is responsible of overseeing the county's land use, environmental and natural resources program. The purpose of his comments is to communicate the County's position with respect to this project. The County supports the staff recommendation for Alternative 5B; does not support Alternative 1 as previously communicated in the two county letters submitted April 12th and October 2nd of 2017. Mr. Jimenez stated the County's support for 5B is based on the City of Fresno's existing General Plan policies and the extensive efforts that went into the City's recent General Plan update process. Fresno County is extremely mindful of and respects the significance other jurisdictions' General Plans. This is true not just for the City of Fresno but also if this were happening in Madera County or the city of Madera or any other jurisdiction, we would be up here saying the same thing. He concluded that as a result, Fresno County recommends that the Board move forward with the certification of the EIR and approval of Alternative 5B.

Mr. Pete Weber, resident of Fresno, stated that he sees a clear path. He wants to see families (from every neighborhood) enjoying the river. He stated he recalls a previous meeting (May 2017) when Mayor Brand offered to pay for the analysis of 5B. He stated he recalls public comments made regarding Mayor Brand engaging in delaying tactics as well as Alternative 5B being a

fantasy that would never be implemented. He mentioned the City has worked together and collaboratively with the Conservancy to develop the best solution with an added access at a commercial intersection where there is bus access. He stated he supports Alternative 5B and commented Alternative 5B has the support of the local sister agencies, which answers questions regarding funding and maintenance.

Mr. Tom Bohigian, Fresno resident, stated that for four years he sat on the Fresno City Council and successfully kept development off the San Joaquin riverbottom. Specifically, the River West parcel was proposed for 1,500 homes. River West was purchased for the people of California. He wants to move forward and supports Alternative 1. He stated Option 5B destroys Spano Park, cuts into the river bluff, destroys Sycamore trees, and is more expensive. He further went on to explain Alternative 1 has a public road that has a gate that opens up to the public land.

Mr. Tom Beggs, a developer of Kearney Palms Shopping Center in Southwest Fresno, stated Southwest Fresno is amongst the lowest income areas in the city and public transportation is important. He supports Alternative 5B which is the only alternative that offers appropriate infrastructure. He asked to read letter from Mehmet Noyan.

Ms. Marks informed Mr. Beggs and the Board that the letter Mr. Beggs wants to read and provide copies of has already been provided to board. With that explanation, Mr. Beggs did not read letter, he thanked the Board.

Ms. Gina Flores, resident, requested the board to find a solution to achieve the ultimate goal: access to the river. She Supports Alternative 5B. She shared her concerns for Alternative 1: traffic congestion and safety.

Mr. Herb Morgenstern stated he encourages the Board to accept the EIR and staff recommendations. He requested the Board to vote today and to not take any longer. He strongly supports Alternative 5B.

Mr. Jeffrey Reid, representing Mr. Cliff Tutelian and Tutelian & Company, stated the following: We are very concerned about the lack of a plan and what kinds of operations will be conducted and how the required funding for maintenance and operations are going to be provided. The EIR suggests the funding of that is not an environmental impact but the purposes are to fund health and safety issues which are an environmental impact. The EIR states the project would not be constructed until additional long term operations and maintenance resources have been secured. We are working on certifying an EIR for a project that we cannot build and operations that as yet remain undefined. It's not appropriate to conduct analysis environmental impacts, particularly the parking demands, without having a clearly described description of the kinds of activities that are going to be conducted at the site. The claim is that operations will solely be low impact recreation uses at a level that protect and preserve natural resources, is not an exactly clear statement of activities—equestrian facilities, picnic areas, turf and play areas, and indoor education activities. Regarding parking, many commenters raise concern, including the State Lands Commission, which reminds the Board that the Master Plan requires development of sufficient on-site parking at each public recreational facility to provide adequate parking during peak periods to meet the parking demands of the local jurisdiction. We don't know what that is. We were told it was determined with scoping with the City but none of the scoping information is made available in the EIR. We end up with a circumstance which an EIR is specifically intended to avoid. The City manager criticizes the EIR. One of the proposals was to 50 vehicles in and out when you only have 40 spots.

Mr. Robert Getz, resident of Wildwood Mobile Home Park, encouraged the board to accept the EIR and to vote for Alternative 5B. In the future, Mr. Getz would like projects that would bring in camping.

Richard Sloan, Fresno resident and representing the canoeing and kayaking community, shared his support for Alternative 5B, as he believes it is the only safe access point to the San Joaquin River and access to one of the ponds.

Mr. Dexter Coffman shared his support for Alternative 5B. He believes Alternative 5B is the most important way to go as far public safety, fire protection and sanitation as well as access for handicapped.

Mr. Nanuell Conner, Fresno resident, shared his concern regarding a traffic problem already on Audubon Ave. He supports Alternative 5B.

Ms. Linda Foster, resident of Fresno, stated her support for Alternative 1. Ms. Foster stated Alternative 1 has existing public roads to public property along the San Joaquin River. She further stated the River West lands were purchased to provide public access to the San Joaquin River. She added Alternative 1 has an already existing direct automobile route. She believes no one should be able to keep us from accessing this heritage. Ms. Foster pledged to pursue the request until it becomes a reality.

Mr. Barry Bauer, Fresno resident, shared his support for Alternative 5B. He presented slides to support his stance. Slides shown represent parking availability with Alternative 5B, as well as the current situation regarding parking with and without Woodward Park parking spots. On the 3rd slide there was a summary of all existing access points of the existing Lewis S. Eaton Trail, which starts at Woodward Park and goes to the Copper River entrance. No including Woodward Park there are 22 parking spots available and with Woodward Park (assuming 100 parking spots) there are 122. The right side of the diagram displayed the EIR, which has Alternative 5B—totaling 6 access points and more parking spots.

Mr. Harry Massucco shared his support for Alternative 5B and stated 15 years is a failure to not get it done. Thanked people for their work.

Mr. Rick Ransom, Licensed Civil Engineer working in Fresno, has been involved with the river for 50 years. He believes there is a great solution available and supports Alternative 5B.

Ms. Sharon Weaver, the Executive Director of San Joaquin River Parkway and Conservation Trust, shared a copy of letter from Shute, Mihaly, and Weinberger LLP expressing concerns that some of the potential mitigation measures for traffic hazards have not been mentioned in the EIR. She showed photos of Riverview Drive, and stated it is not a residential street. Ms. Weaver went on to explain Riverview Drive is significantly larger than most residential streets and has no driveways on the street. She further mentioned the access point that a lot of people would like to see (5B) results in destruction of Western Sycamores which is a significant concern.

Mr. Brad Castillo was a Conservancy Board member from 2000-2004. He stated that no additional trail has been added in 17 years. He supports Alternative 1 as it creates easy access that is already there. Mr. Castillo states a decision has been made to vote on Alternative 5B. He wanted to know if the Mayor is still committed to the resources he spoke about if another alternative is chosen. Mr. Castillo spoke about public not trusting government and stated a motion to vote on

a specific route has been made when public comment has not yet been made. He asked the board to vote for what is the best interest of the community and not a select few.

Ms. Pat Howe, a resident of the bluffs, shared her support for Alternative 5B. Stated that Riverview Dr. it is a nice and peaceful and should be left that way.

Ms. Afarin Karinkhazand, a resident of the area, shared her support of Alternative 5B. The area has been affected by with drugs and other wrong things. Ms. Karinkhazand stated her home would be the first home affected if Alternative 1 chosen.

Mr. Joe Daniele shared his support for Alternative 1, with additional access in the future. Mr. Daniele asked how many of the Board members have read the entire EIR and how many have visited the 500 acres of the riverbottom that is being discussed. He wants at least two alternatives. Mr. Daniele stated the Del Mar/Audubon access is wider than any residential street with a posted speed limit of 35 mph. He wants to go forward with development with river-bottom.

Ms. Carolyn Nolan, a former San Joaquin River Conservancy Board member, stated she was a Board Member on the San Joaquin River Parkway and Conservation Trust. Ms. Nolan supports Alternative 1 as it provides public access "right now." Alternative 5B is a slow process; property would have to be purchased and there is potential pollution on property; the cost is several million dollars more than Alternative 1 and it is an expensive road. Alternative 5B would be located on an unstable and highly erodible bluff. She further mentioned there are several inconsistencies with the City of Fresno General Plan if Alternative 5B is approved.

Mr. Danny Smith stated Alternative 5B costs a lot of money; he supports Alternative 1 and would like to establish fishing and things in the river to attract more people.

Ms. Leighann Milford, stated her support for Alternative 5B and has no affiliations with the City or County. She mentioned that Riverview Drive is a short road and is very dangerous with traffic for bikers, walkers and joggers. She believes one of the things that needs to be considered is public safety.

Mr. Corey Brown, attorney with the Resources Legacy Fund, shared his support for Alternative 1. He shared an aerial Google Map handout and stated there are two good access points-- Riverview Drive and the gravel haul road on Palm/Nees, which is outside of jurisdiction of the proposal. He mentioned if Alternative 1 is not chosen, the Board would be closing the other access at Palm and Nees. Alternative 1 is least expensive. Alternative 5B requires several years to get a landfill closure plan.

Mr. Daniel O'Connell, Central Valley Partnership, shared his concerns: Alternative 1 is located at a subdivision road heading towards state-owned land. For Alternative 5B land needs to be purchased. The landowner needs a closure plan to cleanup environmental issues. One plan is cheaper. Mr. O'Connell stated he supports Alternative 1, with Alternative 5B as a contingency with other options to be adapted later.

Mr. Luis Santana, with Reading and Beyond, a local nonprofit organization, stated his support for Alternative 5B. He wants the river to have more access to the residents of Fresno who have already waited too long. He is pleased Alternative 5B is in the proximity to public transportation as some of the residents have no other way to get to the river. He is very pleased that the recommendations are also supported by the City of Fresno and by Fresno County, which means the project could be done without delays.

Mr. Borgeas asked Ms. Marks if he should read into the record letters that the board has received. Ms. Marks responded that he should; these are letters that were received over the weekend, Monday or Tuesday, and all of them were copied for the board.

Mr. Borgeas, continued, these are letters from a variety of different positions: F. Thomas Biglione, Mehmet Noyan, Barbara Price, Candy Paulsen, Andy Hansen-Smith, Ken Janzen, Layne Meadows, Sue Thorson, Arthur Tregembo, Jacqueline Spencer. John Kinsey, Brian and Rebecca Stricker, Tamara Galanter. These are materials that have been provided to the Board prior to the hearing.

Mr. Sam Lane, resident of the bluffs, stated the bluff neighborhood is diverse and represents a variety of ethnic groups. He challenges the idea of the garbage truck analogy, that if the roads can handle a garbage truck, therefore they do not need to be repaved. He stated the issue of frequency is an important concept when it comes to designing roads. Garbage trucks come once a week, when larger vehicles would be coming more frequently. He concluded he strongly supports Alternative 5B and strongly opposes Alternative 1.

Mr. Tim Taira, resident of Fresno, encourages additional access points. He supports staff's recommendation to allow access at Palm and Nees, which are multi-lane streets. There is no better access point with regard to safety. He encourages board members to accept recommendations today to move forward with project.

Mr. Zack Darrah, Fresno resident and Executive Director of Fresno Interdenominational Refugee Ministries, stated the public comment period at the meeting does not represent low income refugee communities who are not represented; the timing of these meetings is inconvenient for them to attend. They would like to see more representation. He stated his support Alternative 1, and further stated there is not equitable information for Alternative 1 today compared to Alternative 5B.

Ms. Clare Statham, Fresno resident, stated the Alternative 1 violates the Fresno City General Plan; the issue is a public road leading to another public road. The public cannot be denied access to a public road. Ms. Statham questioned with Alternative 5B, who would pay the costs to complete the mitigation. Why would a much more expensive alternative be chosen? Will the City commit to continue supporting the development of the Parkway trail if their alternative is not selected? She continued, stating that with Alternative 5B, it requires acquisition of land from private land owner who would have to mitigate the hazardous waste before it would be accepted by the Conservancy—could the Conservancy force a person to do the mitigation and who would pay?

Ms. Klytia Cozzi stated she supports Alternative 5B. She believes the choice is logical as it provides better river access for public; it is convenient and the safest. It does not harm anything in the process.

Mr. Lucky Siphonshy, Program Manager at the Fresno Interdenominational Refugee Ministry, wants the Board to look at the overview of the community. He states that he is usually the only person of color that is at the meetings. He wants the Board to consider meeting at 5 p.m. to get more representation. He supports Alternative 1 and revisiting Alternative 5B at a later time.

Mr. Steve Pittman, Fresno resident, stated that it is absurd to deny access to the public to a park. Homeowners in the bluff neighborhood are afraid the property value of their homes would diminish. He supports Alternative 1.

Ms. Ellen Hemink stated support of Alternative 1 as she believes it is the quickest way to getting families to the river.

Mr. Radley Reep stated there is a significant error in table 5.13-1 of the final EIR: there it is recorded a finding with respect to Alternative 1 that the failure to install traffic at Del Mar and Audubon will result in a significant impact. Also the EIR states if you condition the project upon having a light installed there is no significant impact. When the table was put together they took the first one, declaring it to be significant and disregarded the second. He requested to have the table corrected to read that it can be mitigated to level less than significant. Alternative 1 and 5B are alike and can be mitigated to levels of less than significance. Both can be fixed by conditions of approval. He wants the EIR error corrected and make it possible to move forward with Alternative 1.

Ms. Katherine Fowler, a Madera resident, stated that Alternative 1 was not considered today. She believes Alternative 5B is problematic in regards to hazardous waste and getting the site cleaned up. She mentioned Riverview Drive is a public road and the closest and best alternative for people with handicap or special needs. Ms. Fowler supports Alternative 1.

Ms. Catherine Jameson feels that the residents of the bluffs are being targeted as a group and being discriminated against. She believes Alternative 1 is a public safety issue for residents and does not feel safe as she believes Alternative 1 would draw more to the problem. She feels access points should be in more commercial and public areas. She supports Alternative 5B.

Ms. Cybil Luna supports Alternative 1 because it provides access to all residents of Fresno. This alternative has a public road leading to public property.

Mr. Nathan Alonzo is a supporter of Alternative 5B. He stated this alternative is most consistent with the City's General Plan.

Mr. Jed Soberal, Fresno State Humanics scholar and a resident of District 3, states he is in support of Alternative 1; the road was designed specifically to provide access to the riverbottom.

Mr. Tim Backman, Fresno resident, is in support of Alternative 5B. Mr. Backman recommended a remediation for clean-up: cap it with an overlay. He asked the Board to vote on the project today.

Mr. Michael Claiborne, attorney with the Leadership Counsel for Justice Accountability, stated he is in support of Alternative 1 as it is a viable path forward. It would provide equal access, reasonable use of public funds, and an achievable alternative.

Mr. Riley Walter spoke in support of Alternative 5B. The costs of Alternative 1 and Alternative 5 are similar.

Ms. Alex Terrell, a student in the Humanics Program at Fresno State, stated she supports Alternative 1 as it is more plausible.

Mr. Anthony Molina, stated he is in favor of Alternative 5B. It allows connectivity and is best for bicyclists.

Ms. Marcella Osterhaus, Fresno resident, stated she is speaking in support for Alternative 1. She states the cost of 5B is exorbitant. She noted the bus route does not go down Palm Ave., it goes down Ingram Ave. She stated we need access for all residents and surrounding communities.

Mr. Charles Milor, resident of Fresno, and a veteran, stated he is in support of Alternative 1. Mentioned we need more access to the river, Fresno has been shutting down access.

Ms. Sarah Parkes, Fresno resident, stated she is in support of Alternative 1 as it is a public road to public property. Access to trails is very important her, and she looks for similar trails when traveling.

Ms. Debbie Hunsaker, resident of the bluffs, shared her support of Alternative 5B. She mentioned that since public knowledge of access points has increases, there is a bigger problem with theft, vandalism, graffiti, trash, and homeless camps. She believes there is more public access at Alternative 5B.

Mr. Chris Acree, representing Robert Ledger, Chief of the Dumna Wo Wah Tribal Government, spoke in support of the project. He stated that mitigation for cultural resources has not been discussed or reviewed by this entity. The tribe has agreed to compromise but has not been offered a seat at the table. In July they requested official consultation from the Conservancy. State law and CEQA are the only protection the tribe has. There are archeological and tribal sites in the area. The tribe has submitted letters, but the Conservancy has not initiated consultation. The proposed mitigation has not been reviewed or discussed; but he believes it is not too far off from what they would ask. Their vision is to study areas and mitigate; want protection and access. They would prefer a project not in the area but they recognize the communal need for access. They believe it is the best place for access and a Tribal life-ways education platform.

Mr. Borgeas asked staff to make note to address the issues, if the tribe felt deprived of the right to participate in a meaningful fashion in the EIR process.

Ms. Anna Wattenbarger, Madera County resident, stated she is a supporter of Alternative 1. She mentioned Alternative 5B will cut through Spano Park and wipe out Sycamore Trees. She further commented that in the past Mr. Spano has refused to close the Pinedale dump and no one wants to be responsible for getting it closed. Ms. Wattenbarger stated that she would like Alternative 1 and a traffic signal and trees to hide the parking lot would make everyone happy.

Ms. Alicia Bennett, Fresno resident, stated she supports Alternative 1 now, and for the Board to consider Alternative 5B for more river access at a later time. Differing opinions make for stronger solutions if the two sides are willing to civilly listen to one another. Land purchased in 2003 was with public funds and one of the alternatives includes an existing public road, Riverview Drive. She stated that she does not like that a small group of landowners have so much sway and want to deny public access to the river.

Mr. Jim Richardson stated support for Alternative 5B. He stated in terms of traffic, there is a safety issue at Del Mar and Audubon. A stop light will stop traffic at a particular time but does not guarantee safety for walkers or cyclists.

Ms. Kristine Walter presented a diagram of access through Spano Park showing that Spano Park is narrowed at the entrance and one side but the remainder of the park is left intact under Alternative 5B. The alternative would reduce the size by a third of an acre. She stated that everyone is afraid acquiring the 11-acre property of the costs to remediate them. The neighbors' coalition has formed a non-profit (a 501(c)(3))—the San Joaquin River Access Corporation-- and has signed an agreement with the Spano family to take control of the 11 acres for all the citizens of Fresno. Her coalition has signed an option agreement with the Spano family to acquire the 11 acres and complete the landfill closure. Ms. Walter concluded that her coalition would like to discuss an easement agreement with the Conservancy.

Mr. Borgeas noted the Board would need to further discuss this during the deliberation portion of the meeting.

Mr. John Kinsey, representing the San Joaquin River Access Corporation, stated their support for Alternative 5B and opposition to Alternative 1. He stated that the property is not a superfund, contaminated site; it is a landfill with debris from construction and his organization has already spoken with regulatory agencies that have said that capping it by putting a parking lot there is appropriate mitigation. He mentioned that in regard to the Sycamore trees, the Conservancy's consultants found in the EIR with tree replacement mitigation the impacts are less than significant. This type of mitigation is very common. He concluded that as far as the bus route, the City of Fresno is committed to providing FAX access there, but that is something the City can address.

Mr. Borgeas stated that ends the public comment and the questions that were posed by members of the public would be addressed before the Board gets into deliberations.

Mr. Borgeas asked staff how many access points exist or will exist for the public to access river?

Ms. Marks replied there is access to the Fresno side and the Madera side, Friant Dam to 99. The Fresno General Plan identifies every place a public road meets the bluff as an access point, although there is one point identified for bikes and pedestrians only. She did not know how many there are or are planned. The long range Parkway Master Plan will have a lot of planned access points. The key to providing access will be when the Conservancy or other entity acquires land at the particular location for public uses; some of the planned access points are at private lands, and it is not expected in the General Plans that private lands must provide access to the Parkway.

Mr. Borgeas commented that some folks are pointing out that there is only one access point and that is off of 41, besides the other two possibilities that we are talking about. No one disagrees with the 41/Perrin access point. People are pointing out that the Perrin access would be the only access point for the Fresno metropolitan area and that is inaccurate.

Ms. Marks agreed that is inaccurate.

Mr. Borgeas followed that the other comments involve bus routes, tribes, and the Riverview access road being readily available. Is the Riverview Dr. access already available?

Ms. Marks replied that the road that is available right now is an access road that's an easement on Conservancy property that leads to two residences. The plan would not require the residents to share the access road with visitors to the site. The plan proposes an improved entrance, an improved road leading down the site to a parking area. All roads, except the part of the access road that leads to the two residences, would need improvement. The other part of the access road is a gravel haul road, a dirt road used by the flood district, and it would need improvement.

Mr. Borgeas stated that therefore, it is not readily available.

Mr. Borgeas asked whether the City of Fresno has bus access to Palm/Nees or plans to have access.

Mayor Brand responded that there will be access. Mr. Rudd expressed our prior commitment to move service from Ingram and Nees to Palm and Nees. You have a commitment from me that completion of this project that bus access will be available.

Mr. Brandau stated that he would add that where the bus stop is now at Ingram and Nees is about 250 yards from the entry location that we are suggesting for Alternative 5B. Ingram is not a mile away from Palm. They are very close. When the Mayor says that we are going to move the bus stop to Palm, it's right down the street.

Mayor Brand continued that there is currently no bus service to Audubon Dr. The City does not make it a practice to serve residents' neighborhoods either. The best location for the bus stop would be the Palm/Nees commercial location.

Mr. Borgeas asked staff whether the tribe was deprived of meaningful engagement in our process.

Ms. Marks responded that Ms. Morkner Brown and she reviewed the comment letter the tribe provided on Draft EIR letter, and the tribe did not request consultation. At a previous Board meeting Mr. Acree initially stated that the tribe was not notified about the project; but then he retracted the statement and stated that they were notified about the project. The tribe commented and in the Final EIR changes were made are on page 3-73 and Cultural Resources Mitigation is added on page 3-79. The Final EIR response to the tribe's letter notes they were among those tribes contacted in development of the cultural resources documentation.

Mr. Borgeas asked about another individual who said there was an error in the EIR. It was Mr. Reep regarding one phrasing here and a different phrasing elsewhere.

Ms. Morkner Brown replied that the concern was the chart should have not said there is significant impact for Alternative 1. The chart reflects what is written in Section 5.6.17 in the EIR under Alternative 1, the conclusion that a traffic signal is required to address the traffic impact that was found in the traffic study, which is supported by all the studies that are in the appendixes, and that the Conservancy does not have the power to install the signal—it is within the City's jurisdiction. There is no evidence in the record that the City has committed to installing the signal. If there was a letter from the City, then we can rely on that to say it is an enforceable mitigation measure. That is why it's a significant unavoidable impact. The EIR also does say that the Board has the discretion to determine that if the signal is on City's list and they do plan to build the signal, we can condition improving the entrance upon a future date until signal built. The entrance would not be pursued until that time—it would be a conditional approval until the signal is built. The information is there but the chart is a summary of the information.

Mr. Borgeas asked if staff satisfied that there is not a material deficiency.

Ms. Marks responded yes. The explanation of conditional approval and the significance of the impact is on page 4, the summary of Alternative 1, Added Parking, in the staff report.

Mr. Borgeas asked about the point raised from one of the last speakers talking about a change of ownership for the private parcel within Alternative 5b; could staff explain?

Ms. Marks stated that this is the first she had heard anything about a non-profit group being formed to take ownership of the private parcel within 5B.

Mr. Borgeas stated that he would call on that individual later to explain this further. Those are the questions that members of the public had posed—were there any others?

Ms. Marks responded that a commenter stated no one has disputed that the road at Riverview Drive was designed to serve a subdivision. Mayor Brand mentioned that he may wish to speak to that.

Mr. Borgeas asked if the City of Fresno representatives wished to comment on whether there a plan to build that out the area for 1500 homes.

Mayor Brand stated that he asked City staff to go back to 1984 and determine if there were large scale plans (developed or submitted) for riverbottom development. They didn't find any. There was a developer that talked about Scott Island, there were homes built there. He spoke with Nick Yovino, former planning director, he stated there may have been a scare concept trying to get the elected bodies to preserve the land, which was successful. If you had a 1500 home subdivision, I cannot imagine that the area would have only one access point; by public safety standards there would be several access points. As far as I know, it may have been talked about but nobody ever filed a plan, or did a study, or a tentative tract plan. With regard to public access to the Parkway, the General plan calls for 26 access points including 15 for public vehicles.

Mr. Borgeas said he just wanted to make certain that people who have read articles in the paper and have heard public comments elsewhere, that there seems to be some controversy or absence in the record as to whether this was going to be a built-out area

Ms. Vance noted that Ms. Weaver in the audience seemed to have the document the City may have been looking for.

Mr. Borgeas said to hold tight and first finish up: were there any more points to address?

Ms. Marks responded no.

Mr. Borgeas closed the public comment portion of this meeting.

Ms. Alvis stated, there was one additional question asked twice. If board does choose to support an alternative other than 5B, would the City be committed to working with the Conservancy on the issues with securing public access?

Mr. Borgeas asked if Mayor Brand wished to speak to this.

Mayor Brand noted that this is a difficult decision; he has a lot of sympathy for both sides. Both staff of the Conservancy and City staff strongly recommend Alternative 5B. There are serious issues of traffic impact on that neighborhood. The most important issue is that there would be a violation of the City General Plan, which would require an amendment to our General Plan. Although I am boxed in a position, I would rather negotiate than litigate.

Mr. Borgeas asked the Mayor to clarify, whether a violation of the City's General Plan necessitate formal opposition.

Mayor Brand responded that the General Plan prohibits vehicle traffic through that area at Riverview Dr. The City would require an amendment of the General Plan.

Mr. Borgeas stated that would conclude the public comment section, and the Board can begin deliberations.

On inquiry from Mr. Oliver, Ms. Marks reported that the proposed Project includes access and parking for three horse trailers. The other access points do not include horse trailers; 5B could include space for canoe trailers.

On inquiry from Mr. Oliver, Mr. David Young, consultant from AECOM, reported that AECOM's analysis in the supplemental traffic report, which is included in appendix HH of the Final EIR, indicates that with the traffic signal mitigation measure for the intersection at Audubon and Del Mar, it is estimated conditions would return to Level of Service B.

Mr. Oliver noted that the intersection is currently not meeting warrants, correct?

Mr. Young stated that the current Level of Service is either E or F (does not meet warrants).

On inquiry from Mr. Oliver about expediting the traffic signal, Ms. Marks reported that if the Conservancy were private developers we could advance the funds to put in the traffic signal and eventually get reimbursement. The Conservancy might need to check with bond counsel to determine if it could do the same. Staff can look into it if the board decides to further explore Alternative 1.

Ms. Finn stated that it is possible with a cost sharing and reimbursement agreement.

Mr. Oliver noted that if this is a requirement for our project, and we would like to make it happen sooner rather than, then there may be ways we can do so and we should evaluate that option.

Mr. Oliver asked staff with respect to approving Alternative 5B, does that give us any more leverage to purchase the property from the landowner? Are there any other processes available that would expedite that process? Ms. Marks responded that Mr. Oliver may have some ideas in mind, since he is involved in land transactions with the Economic Development Corporation. She noted that if the new nonprofit executes their option and takes ownership, one action that would help in transferring the subject property to the State was if the property owner was willing to indemnify the State, to be sure they would take care of any necessary cleanup of the property in the future. State processes to acquire the property would normally include site assessments, a phase II, a work plan on how the property will be cleaned up, and a fair market appraisal.

Mr. Oliver asked if the Board has to approve 5B to begin that process. Ms. Marks responded that the Conservancy could do a land acquisition separate from the River West project. The acquisition would be for Parkway purposes and for conservation. Other CEQA authorities are available for conservation land acquisitions.

Mr. Donnelly added that the Board could pursue this acquisition at Alternative 5B irrespective whether or not Alternative 5B is approved. The key is that we have a willing seller. You always have a willing seller until you go through the appraisal process and often the values in the State's

appraisal is not in line with the seller's expectations. He cautioned the Board that we should not talk about the value of a property until the appraisal is approved by the Department of General Services (DGS). However, the property could be purchased to develop 5B or the land purchase could proceed on its own.

On inquiry from Ms. Vance, Mr. Donnelly reported that it would be the same process to acquire an easement. It would go through a third party appraisal, then be reviewed by the Wildlife Conservation Board, and then review and approval by DGS.

Mr. Borgeas suggested that after Mr. Oliver has asked his questions, the Board should hear more from the people who are making the proposal.

Mr. Oliver noted that there had been information presented about combining alternatives, conditioning an alternative, and possibly making a statement of overriding considerations. Would the Board be able to condition two alternatives, so that Alternative 5B would be conditioned on acquiring the property, and Alternative 1 would be conditioned on the traffic signal, and the Conservancy would proceed with the option that comes on line first. The Board would not be combining both, but allowing for either/or depending on which could be delivered first.

Ms. Marks suggested that might be achieved as discussed earlier. Under that scenario--approving either Alt. 1 or 5B depending on which one could be done first--the Board would certify the EIR and direct staff to develop the documentation necessary; staff would have to determine that the EIR is adequate for that either/or scenario. She added that Resolution 17-02 provides the Board the option to approve the proposed Project and direct staff to come back at another time as other elements become viable. The Board could approve the proposed Project today, and direct staff to resolve the issues, work with landowners, etc. Once we have the umbrella of the EIR, we can work on that.

Mr. Borgeas asked Mr. Kinsey to shed light on issues raised so far.

Mr. Kinsey stated that the coalition formed a nonprofit, not a business or revenue generating enterprise, and not to flip or sell the property. The non-profit wants to provide access and parking for this project. Their intent is not to sell it. They would like to enter into a lease agreement. The non-profit executed an option agreement with landowner. They will be in the position to exercise that option with the approval of Alternative 5B. The Spano family trust has provided them with the option to take title to this property for the sum of \$100. The organization is prepared and highly motivated to take title. The option will be recorded soon.

Mr. Frazier noted that ownership of the property has been a big issue. Is it the intention of the nonprofit to do the cleanup?

Mr. Kinsey reported that the nonprofit has spoken with the regulatory agencies, and they have indicated that all that is required is capping the area, that is, building a parking lot on it. The group is not in this to make money, but to provide an amenity for the Conservancy.

Mr. Frazier asked about a letter of closure; is the goal of the nonprofit to secure a closure letter?

Mr. Kinsey responded that their understanding is that creating a parking area would be all that is necessary to secure letter of closure. It is his understanding that there are no toxics involved. They realize this is new information, but the group worked very hard to complete the option agreement in time for the meeting.

Mr. Borgeas stated that many are concerned, quoting, "The most significant issue that might make Alternative 5B infeasible is the lack of a public or private entity willing to take on the landfill." With Alternative 5, we have unwilling sellers, and other complications related to the other alternatives. With Alternative 5B we had this outstanding issue in spite of all the work the City has done. Now we have a willing entity stepping up to do exactly that. This is a huge development.

Mr. Kinsey noted that the point is they are taking title, and by taking title they are the ones who are ultimately going to be in the chain of title and the problems become "their baby." What they are providing at this meeting is the statement, assurance, and they have an agreement, and they want to secure title.

Ms. Vance expressed concern regarding the timing of the information, because of the decision that is before the Board. She requested the supporting documentation regarding the private property and the proposal for Alternative 5B. The Board needs more than verbal information and some detail to make the decision whether Alternative 5B is feasible or not. This information could be provided for the December meeting.

Mr. Borgeas disagreed, and said we have determined that Alternative 5B is feasible. The details relating to this property, the traffic signal, other details in the course of things will have to be resolved. The Board has dealt with the issues since August and there are still questions remaining, and it is not reasonable that all questions can be answered in 2017. In order to move forward we are going to have to move forward.

On inquiry from Ms. Finn, Mr. Kinsey reported that the nonprofit was formed several weeks ago. They formed the non-profit with an attorney who specializes in nonprofits.

Ms. Finn asked what experience the nonprofit has in these types of transactions and in holding property. Mr. Kinsey responded that this will be the first transaction for this nonprofit. The members are professionals and are experienced in sitting on nonprofit boards.

Ms. Marks noted that nothing Mr. Kinsey has said regarding the condition and requirements related to the property contradicts information in the EIR. There are waste disposal areas in the area of Alternative 5B. The Conservancy did not acquire the parcel of land for the parking area for 5B because there are underlying construction wastes. The Spano family hasn't been required to clean up the property because they haven't changed the land use. Once you trigger a change in land use, that is when the County of Fresno starts looking at what is required to get a clean closure letter.

On inquiry from Ms. Vance, Ms. Marks reported that when the City of Fresno did the work for Alternative 5B, the original entrance was planned to be located in a solid waste landfill area. Once the entrance was moved onto Spano park, the land and bluff area have been remediated. The area around Spano park has been cleaned up.

Mr. Brandau reintroduced his motion that he made at the beginning of the meeting, which was to **accept staff's recommendation to certify the EIR and approve Alternative 5B. In addition, the Board would schedule annual status updates on the progress of the Alternative 5B access point starting in January 2018 with the understanding that, as long as the parties are acting in good faith to develop Alternative 5B, but despite this reasonable progress on Alternative 5B is not being made, the Board may reconsider the point of access, including**

the other alternatives in the EIR. After hearing the discussion that the last part of his motion becomes more important because if Alternative 5B is unable to be executed, then the Board could reconsider the point of access, including Alternative 1. Mr. Brandau objected to some of the things being said about his position. He noted that if Alternative 5B proved not to be an option, the Board should look at Alternative 1. He believes that Alternative 5B provides the best option. He is very protective of neighborhoods that are in his district, including Pinedale. He stated that people are in the community of Pinedale or coming further away, they will be able to touch the river the fastest off of Palm and Nees. He noted on behalf of the City of Fresno, that Alternative 5B stands today as the best place to access the river.

Ms. Vance reminded the Board that it must certify the EIR before they can approve a project.

Mr. Borgeas concurred that the Board must certify the EIR before taking a vote the approval of Alternative 5B.

Mr. Spina seconded the motion for discussion.

Ms. Forhan stated the role of the Conservancy is to partner state and local interests. She noted that the City of Fresno's role in all of this is very critical. In the San Joaquin River Conservancy Act it states that the Conservancy is governed by representatives of State and local agencies. There is something to be said about the local agencies coming forward and being strong participants in this project. She has not seen this type of engagement from the City from top to bottom in something like this before. The Conservancy is not a land use agency, and it should not impose on what the City of Fresno has in its General Plan. She added that the motion that was made by Mr. Brandau is good with the fallback to Alternative 1. **She asked Mr. Brandau to amend his motion that there should be more updates then annually.**

Mr. Brandau stated that he would amend his motion to add quarterly reports.

Ms. Vance stated that the Board was not given Alternative 1 as a choice, and is not sure if Mr. Brandau is allowed procedurally to include Alternative 1.

Ms. Marks stated that Mr. Brandau's motion would be the approval of Alternative 5B, and direction to staff that if, after the progress reports, they are not making reasonable progress the Board would take action. Staff would come back with an analysis of current environmental conditions and whether Alternative 1 is still adequately reviewed in the EIR.

On inquiry from Mr. Janzen, Ms. Marks reported that when the Board certifies an EIR, the Board is certifying that the process was proper, all steps were completed, and the document is adequate. Information regarding the certification of the EIR can be found in Resolution 17-01. She noted that Alternative 5B is inclusive of the proposed Project features.

Ms. Vance stated that the Board would not be able to decide today anything other than the proposed Project or Alternative 5B.

Ms. Marks noted that the Board can direct staff to develop the necessary documents, including a resolution of approval, Findings of Fact, and Mitigation Monitoring and Reporting Program for another specific alternative.

Ms. Morkner Brown added that what Ms. Marks stated can be found in the agenda on page 2 section 5c. If there is a majority consensus to pursue a different alternative than what staff has recommended, the Board can direct staff to prepare the appropriate documents.

Mr. Frazier stated that the Board has two good options, with issues for each of them. He noted that he is a fiscal conservative, but as a fiscal conservative it doesn't mean spending less money it means spending money wiser. Cheaper is not always better. In his opinion Alternative 5B is more experience but creates more access. He stated that nothing is going to hinder access more than lawsuits. Alternative 1 does provide great access and should be in the second position. Alternative 1 would be a benefit to the bluff community, Alternative 5B is better and easier to get to from Palm and Nees. **He requested amendment to the motion to add that Alternative 1 would be the second choice if Alternative 5B does not work out, requested action reports, and asked staff to add the new non-profit to the Conservancy Board agendas, under section H Administrative and Committee reports.**

On inquiry from Mr. Frazier, Ms. Marks reported that the total for Alternative 5B does not include the cost to acquire the land. The \$5.2 million does reflect the fill needed for closure, that is believed to be adequate.

On inquiry from Mr. Frazier, Ms. Morkner Brown reported that the Board does not have the necessary documents in front of them to approve Alternative 1. How it is stated in Mr. Brandau's motion that the Board would approve Alternative 5B and based on progress reports, the Board would reconsider Alternative 1. If the Board were to reconsider Alternative 1 the Board would need to take separate vote in the future.

Mr. Frazier stated that benchmarks should be put in place for Alternative 5B, so that the Board knows when to cut bait.

Mr. Borgeas referenced the Conservancy's August agenda. He noted that staff identified dates regarding the Partially Revised Draft Environmental Impact Report release. The Board could direct staff to do something similar for Alternative 5B.

Ms. Marks noted that staff could follow up with a work plan for Alternative 5B.

Mr. Borgeas stated that it would be better if the Conservancy staff worked with the City, County, non-profit to devise a reasonable good faith timeline from which the Board should have high expectations.

Mr. Gibson stated that he is very grateful for the discussion.

Mr. Donnelly expressed his concerns about all of the qualification to Alternative 5B when the Board doesn't have the opportunity to make similar qualifications to Alternative 1. He noted that he was a staff person at the Wildlife Conservation Board working on this project when the property was acquired 20 years ago. It was one on the most expensive projects that the Conservancy took at the time. He noted that there were several partners involved in the acquisition it was the supported by the public, the Conservancy Board, and the Wildlife Conservation Board. At that time, Riverview Drive was the access point to get people down to the riverbottom. He stated that it is obvious that there was a plan to develop a subdivision on River West property. He was encouraged to hear of the City's commitment to working with the Conservancy. He noted that the Conservancy could provide the funds to install a traffic light at Audubon and Del Mar and he would support it. Is disappointed that the Board is unable to take action on Alternative 1. Stated that he

is in support of certifying the EIR, but is not in support of Alternative 5B, and would like to be able to compare both alternatives side by side. He mentioned that there are access points to the American Parkway in neighborhoods.

Ms. Vance stated that is essential that we have direct access from the City of Fresno. She expressed her concerns for Alternative 5B that there are so many unanswered questions and details, that if this is the alternative that gets selected at this meeting, that we could end up with no access from Fresno.

On inquiry from Ms. Vance, Ms. Marks reported that the easement on Alternative 5 requires equivalent access.

Ms. Alvis wanted to speak to the fact that making this important decision we have six alternatives that we have been considering over time, and have heard about 2 of them today. Yet they are only in a position to approve one of those in addition to the proposed project. Just in making such an important decision in this community and also an important decision on behalf of the state's broader goals, to provide parkland and open space to communities, particularly to underserved communities. In the spirit of transparency and building trust, it is important that we allow ample time and a proper amount of review for this board to consider both important options that have been expressed by the public. Procedurally I might not know the best way to handle this, but perhaps I'm suggesting **an alternative motion to direct staff to prepare a resolution, findings and a statement of overriding conditions in case that it is necessary for Alternative 1 to bring back to this body in December so that we can have time to review what has come down to two alternatives the community is interested in and work through those in a way that demonstrates both the State and local interests on this board.**

Ms. Vance seconded Ms. Alvis's motion.

Mr. Borgeas noted that there is a motion on the floor right now and if the first motion does not pass, then the Board can vote on the alternative motion.

Mr. Gresham stated that he wants both access points. Would like to see if the EIR is adequate to have both entrance points.

Ms. Marks stated that the second motion made by Ms. Alvis would be to bring back a set of findings so that the Board has the option to approve either Alternative 1 or 5B. If we combine the alternatives it would result in another set of review and make sure the EIR is adequate to having three parking lots on the site. The findings are extracted out of the Final EIR. For alternative 1 we would need a statement of overriding considerations and rejection of other alternatives, unless the approval is conditioned. That can be taken out of the EIR. We do not have the money and contract to develop additional analyses for combined alternatives.

Ms. Lucchesi noted that Mr. Brandau's current motion needs to be separated into two votes with certification of the EIR.

M Marks, Refine the motion; first need the Board needs to consider certification of the EIR Resolution 17-01, then a vote to approve 17-02a, with direction to staff motion regarding the progress report and failsafe measures proposed by Mr. Brandau. It is important to reference the resolutions presented including the necessary findings.

Ms. Lucchesi, regarding alternative 1 and the significant impacts related to traffic, the board can approve Alternative 1 without that mitigation measure if the board also adopts the statement of overriding consideration that details the policy considerations. Is that correct?

Ms. Morkner Brown responded that there are a few steps. The EIR and staff's recommendation was that if the Board wanted to pursue Alternative 1 that it conditions that entrance upon the City getting to where that signal is on their priority list and or working with the City. The alternative would be conditioned that signal being installed. You would not take any action to build that entrance until that signal is in place. The other option would be to be able to say that the Board considered all feasible mitigation—which the EIR proposes as the signal—and the Board would not only have to make a Statement of Overriding benefits but also reject all other alternatives that have fewer impacts which at this point are 5B and 5. So you would have to find those other alternatives infeasible based on the evidence in the record.

Ms. Lucchesi expressed concerns about not being presented both Alternative 1 and 5B. It has the effect of minimizing the benefits of alternative 1. The alternatives all have their pros and cons. Some of the concerns raised by Alternative 1 being inconsistent with the City's general plan. Is not convinced that Alternative 1 is inconsistent with the City's general plan because whether that it mandatory or not. Existing laws and policies should be "liberally construed" to provide public access. She expressed her concerns for Alternative 5B impacts to the bluff and the Sycamore trees. Acquisition of land for 5b could be uncertain and protracted. She noted that she is intrigued by this last-minute development regarding the non-profit. she added that she would want to see the documents before she assigns any kind of value to that option. She noted that she would want to take everybody at their words, but words matter and words in documents matter even more. She expressed her support for Ms. Alvis' motion to come back in December with the requisite resolutions and findings to equally consider both alternatives. She would also like to see the documentation from the nonprofit organization.

Mr. Janzen stated that he supported route A and 5e or d that road could be upgraded without taking away from Spano Park. He noted that there is a road down there that use to be used to haul gravel. The Conservancy should consider upgrading the existing road and not take away from Spano Park. He stated that he was fully prepared to vote in favor of Alternative 1 with access at route 5E or D. That we need all three access points. He noted that the Conservancy parks are closed after sunset.

Mr. Spina noted that the Board needs to first pass the resolution that certifies the EIR. There should be a motion to pass the resolution to certify the EIR.

On inquiry from Mr. Spina, Mr. Mozier reported that alternative 1 has a typically level detail that you will find in an EIR, which is about a 10%. Alternative 5B has a 30% level of detail. To advance Alternative 5B to 100% design we would need to negotiate a scope and fee and would take several months. Also there is other work that needs to be done parallel to that such as getting permits.

Mr. Spina noted that Alternative 5B could get going in several months assuming the environmental issues could be addressed. For Alternative 1 how much time would that take.

Ms. Marks stated Alternative 1 as set forth in the EIR would be conditioned on when the City could put a traffic signal. It is not clear how long either alternative would take.

Mr. Spina asked if we certify the EIR we have taken care of that part of it so then we can then move on with the time table we want. Wants to work with the non-profit. That is what has been moved and seconded. Move on time table to get answers and evidence if we don't get progress fall back to Alternative 1.

Mr. Oliver stated that when the Board decided to study Alternative 5B that it was to be included on the menu of options to provide additional access. INSERT COMMENTS ABOUT MAYOR BRAND He noted is disappointment regarding the staff report on how it didn't provide another alternative at equal footing. He stated the we should bring back the necessary supplemental documents for Alternative 1 to be considered on equal footing with Alternative 5B. We should do additional diligence as needed. Bring back in December and analyze from there.

Mr. Douglas Sloan, City Attorney for the City of Fresno, stated that the Board would not be able to approve Alternative 1 in combination with Alternative 5B because it is not addressed in the EIR. He noted that Alternative 1 could be approved by the Board, but could not be implemented without the approval of the City that is because it would require future legislative action of the City and amending the general plan.

On inquiry from Mr. Frazier, Ms. Kolluri-Barbick reported that cutting into the bluff would not require an amendment to the City's general plan. She noted that there is a development code related to the bluff protection district and was analyzed in the EIR regarding potential variances if necessary from those particular standards.

Mr. Bohigian added that the Bluff Protection District was passed in 1979 to protect the bluffs and that it is the law.

Mayor Brand thanked the Board and the public for being there. He understands that this a difficult decision and wants to see us moving forward on this project. He respects the opinions of the Board. He stated that he agrees with Mr. Brandau's motion that if Alternative 5B ultimately is not feasible then the Board should consider Alternative 1. He noted that he would do whatever he can to move this forward. Thanked the board for tough deliberations.

Mr. Borgeas stated that he is not interested in delaying this project further. When there is a reasonable compromise here that looks after the interest of the Riverview constituents as well as the Alternative 5B constituents. He stated that one option would put local jurisdiction in opposition when we want to partner. Asked the Board if 30 more days is going to fully resolve these issues and provide a clear path.

Ms. Vance stated that she would like to vote on the certification of the EIR at this meeting. She stated that she agrees with Ms. Alvis' motion because the Board was not giving the full analysis and choices.

Ms. Finn stated that she agrees and feels like the board has been persuaded by a last minute information. Devil is in the details regarding the options.

Mr. Donnelly added that if they had all the information in front of them next month, he willing to change if the fact and findings show.

Mr. Janzen stated that he is willing to vote to certify the EIR.

Ms. Lucchesi added that the Board would like to have both options in front of them. [not legible]

On inquiry from Mr. Gibson, asked if the EIR is passed, then can staff confirm that we have eliminated the time constraints associated with the consulting contract. Ms. Marks reported that the Board has narrowed down the documents that would need to be presented to the Board at the December meeting. Staff would provide the necessary documents for Alternative 1 and 5B.

Ms. Marks stated her understanding that all staff would be presenting that is new is the documentation to present alternative 1 and the mitigation measures in the Final EIR. She noted that the Board has the information in the Final EIR that would go into the necessary documents to approve Alternative 1. Is there a Board consensus so that we can present exactly what the board wants to approve?

Gibson, the findings brought back to the board in December would identify the mitigation measures in the Final EIR; they've seen them but they would be transferred into a resolution.

Marks yes that is our intent—with the one exception being the possibility of overriding considerations—and staff has heard discussion to provide direction to incorporate mitigation.

Ms. Morkner Brown stated that is it important: is the Board asking for Alternative 1 Findings that deals with the traffic issue as a significant impact or is the Board saying Alternative 1 is being conditioned upon a future signal, because that is two different ways of dealing with it. If the Findings are accepting a traffic impact, then it does require a statement of overriding considerations as well as rejecting the other alternatives—i.e., 5B—as infeasible.

Mr. Gibson, if staff brings a resolution in favor of Alternative 5B and Alternative 1, and later found that the proposal by the nonprofit is not acceptable, then the board would still be in position to move forward toward approving Alternative 1 in December.

Ms. Marks reported that she doesn't believe a lot of progress on the understanding what this new non-profit can do would be achieved by the December meeting. The alternate motion made by Ms. Alvis directs staff to provide the Board with separate sets of necessary documents for the Board to consider Alternative 1 as well as Alternative 5B.

Mr. Frazier stated the first motion provides for approval of Alternative 5B with fallback to Alternative 1 if 5B proves infeasible; could approval of Alternative 1 also include fallback to 5B? If we certify the EIR, then there will be detailed documentation for approval of Alternative 1 or Alternative 5B and we would reopen the hearing.

On inquiry from Mr. Frazier Ms. Morkner Brown reported that all of the alternatives impacts are available in the EIR. Staff would need to abstract and compile the material needs to complete the necessary documents. She noted that if the Board reaches a consensus on a different option other than the proposed Project and Alternative 5B, staff would complete the necessary documents for the December meeting. The Board can still have a discussion regarding the alternatives.

Mr. Frazier noted that the Board can approve Mr. Brandau's motion would they be able to do that from the resolution before them.

Borgeas question is there support for 5B, and it would "loop back" to Alternative 1 if it doesn't work out.

Ms. Alvis noted that the Board cannot approve Alternative 1 today.

Ms. Morkner Brown stated that the Board would not be approving Alternative 1 as part of Mr. Brandau's motion. He was suggesting quarterly reporting; if Alternative 5B is infeasible the Board would take a future vote on Alternative 1.

Ms. Marks added that if there is a majority vote that want Alternative 1, then staff would complete the necessary documents and recommend it at the December meeting.

On inquiry from Mr. Borgeas, Ms. Marks reported that if the vote for Alternative 5B fails it doesn't mean the Board cannot vote on it again in the future.

Ms. Alvis stated that she is not sure if she wants to approve Alternative 1 because at this point she has not been provided with the Resolution, the Finding of Fact, and the Statement of Overriding Considerations. She has not been provided the time to analyze those materials in order to determine if that is the better alternative. She noted that there are clearly two preferences that the Board is considering and in order to do so with our diligence that the Board needs to see both sets of documents. Allow 30 more days to have both options.

Mr. Borgeas noted that it sounds like there is a path forward. We can vote on Alternative 5B now and for those who wish to look at Alternative 1 can bring that back at any point they wish.

Ms. Marks added that a combination of alternatives is not covered in the EIR. The motion made by Mr. Brandau stated that if Alternative 5B is deemed infeasible the Board may consider Alternative 1 at a future meeting.

On inquiry from Mr. Borgeas, Mr. Crow reported that if the Board were to come back with this item at the December meeting, the item would need to be open to the public comment.

Mr. Frazier stated that he was fully ready to support Mr. Brandau's motion, but it looks like the Board is trying to force something and he did not want to be a part of that. He would rather take this to the next meeting.

Mr. Brandau called for a vote on his motion.

Mr. Brandau and Mr. Spina decided to separate the motion into two separate votes.

A motion to approve Resolution 17-01 for the River West Fresno, Eaton Trail Extension Environmental Impact Report as recommended for G-1-1. was made by Mr. Brandau, seconded by Mr. Spina, and unanimously approved by the Board.

ROLL CALL TO VOTE:

Name	Yes	No	Abstain
Mr. Andreas Borgeas	X		
Mr. Brett Frazier	X		
Mr. Steve Brandau	X		
Mr. William Oliver	X		
Mr. Roy Spina	X		
Mr. Carl Janzen	X		
Ms. Julie Vance	X		
Mr. Kent Gresham	X		
Mr. John Donnelly	X		
Ms. Julie Alvis	X		
Ms. Jennifer Lucchesi	X		
Ms. Karen Finn	X		
Ms. Bryn Forhan	X		
Mr. Paul Gibson	X		

A motion was made by Mr. Brandau, seconded by Mr. Spina, to approve Alternative 5B, and in addition schedule quarterly action updates on the progress of Alternative 5B access point stating in March 2018 with the understanding that so long as all parties are acting in faith to develop Alternative 5B, but despite that reasonable progress on Alternative 5B is not being made, this Board may reconsider approving the point of access at Alternative 1.

ROLL CALL TO VOTE:

Name	Yes	No	Abstain
Mr. Andreas Borgeas	X		
Mr. Brett Frazier		X	
Mr. Steve Brandau	X		
Mr. William Oliver		X	
Mr. Roy Spina	X		
Mr. Carl Janzen		X	
Ms. Julie Vance		X	
Mr. Kent Gresham		X	
Mr. John Donnelly		X	
Ms. Julie Alvis		X	
Ms. Jennifer Lucchesi		X	
Ms. Karen Finn		X	
Ms. Bryn Forhan	X		
Mr. Paul Gibson	X		

The motion failed.

Mr. Borgeas noted that there was a backup motion to bring back this item with all of the necessary documents for Alternative 1 to be considered at the December meeting.

Mr. Borgeas read the motion: to direct staff to come back at the next meeting December 13, 2017, were we will have Alternative 1 and 5B with all of the requisite Findings and mitigation documents provided that both Alternative 1 and 5B would be given concurrent consideration. Mr. Borgeas confirmed the motion and second was Ms. Alvis/Ms. Vance.

Mr. Spina asked the chair to repeat the motion, and Mr. Borgeas read back the same language.

Ms. Marks added that there should be one clarification. In the staff report and the EIR it states that Alternative 1 would be conditioned on developing the traffic signal. We would have a mitigation measure stating that the Conservancy would have to wait until the City of Fresno installs a traffic signal before the Conservancy can implement the improvements the access at Alternative 1. The other way the Board could do it, if the Board did not want the mitigation measure the Board would need to develop a statement of overriding considerations. She stated that she hadn't heard any discussion at the meeting for the Board to go that route; she believes what the Board is saying it wants to be able to approve Alternative 1 with that mitigation measure; approval would be conditioned on that mitigation measure.

Mr. Borgeas deferred the clarification to the maker of the motion.

Ms. Alvis's response is inaudible on the recording.

Mr. Gibson stated he wanted to understand from the motion maker and second that you would want to consider potentially overriding and voting against our long standing partner the City of Fresno because you would be overriding a condition of a traffic signal. Very concerned about time. He noted that 30 days from now a vote for Alternative 1 pushes against the good will and hard work of the City. The City produced everything they were asked to produce, plus an extra measure of goodwill today related to Alternative 5B. Why are we throwing the City under the bus when really the Board wants more documentation and proof from this new non-profit.

Mr. Borgeas stated that the motion maker and second both agreed that the mitigation measure would stay in place regarding the traffic signal for Alternative 1. He asked staff to confirm the traffic light that the City is responsible for would be a condition of implementing Alternative 1.

Ms. Marks responded that staff did not hear the response from the motion maker, but if that is what she agreed to, that is true.

Ms. Alvis replied yes.

Ms. Marks said that helps a great deal in preparing the resolution and findings.

There is a comment from Ms. Vance that is not audible.

Ms. Marks stated that that the traffic signal would need to be installed before the entrance gate to Riverview Drive can be opened. Whether the Conservancy works with the City on a reimbursement agreement to advance the signal or if the City does it on their own, the entrance gate would not open until the signal is installed. That is the clarification she was asking about, the way the mitigation measure is written in the document.

Ms. Alvis stated that she is coming at this from the place of wanting equal information about two alternatives that have come up through this public process as being important to the community. She means no disrespect to the City of Fresno and appreciates their interest, energy, and effort in putting together the materials in a timely way and with Conservancy staff. When they do make a decision as a board the need to have equally assessed to two options with the same footing.

Ms. Vance noted that just because the study was done for Alternative 5B, didn't mean that it was a foregone conclusion that it would be approved.

Mr. Brandau asked Mr. Rudd to comment on the motion.

Mr. Rudd said that having equal information is somewhat questionable because staff has already indicated that Alternative 1 was done at a 10% design level and the City's studied Alternative 5B at a 30% design level. With Alternative 1 you don't know the overall cost. He expressed concern about the Conservancy staff not having enough time to complete a 30% design level for Alternative 1.

Mr. Frazier wanted to add a friendly amendment to Ms. Alvis's motion. We will have the ability to approve Alternative 5B on its own or approve Alternative 1 on its own. Can we within the resolutions include the possible fallback to the other alternative if the selected alternative proves infeasible?

Ms. Marks the resolution of approval to be presented in December would be to memorialize Mr. Brandau's motion with the fallback provisions for Alternative 5B.

Mr. Frazier asked to have the same thing for Alternative 1.

Ms. Morkner Brown said staff can work on that.

Mr. Brandau stated that he came to vote to move a project forward today.

Mr. Spina stated that the vote for Alternative 5B failed, but we still have the opportunity to vote on it at the next meeting. One of the things that hinges on the original motion, is we wanted to get some proof that this nonprofit can take care of the environmental plan if there is a problem there. He would like request information to be provided at the December meeting regarding the newly formed nonprofit. If there is not some assurance that the issues can be taken care of by somebody else, he would not likely vote for it.

Mr. Rudd interjected that for the Board's consideration for the December meeting, the City is willing to work with Conservancy staff to develop the timelines and milestones. With respect to the motion that failed the Board should consider is if there is a desire to move forward with Alternative 5B and, in the event that Alternative 5B is deemed infeasible, concurrently to that work that staff is tasked with developing or advancing the overall assessment of Alternative 1. He noted the geotechnical assessments that need to be done to develop a 30% design and cost estimate for Alternative 1.

Mr. Frazier stated that he agrees with Mr. Rudd's comment.

Mr. Borgeas stated there is a motion and trailer direction to staff. He wanted to check with the maker of the motion, Ms. Alvis, to be sure she concurs with the added direction to staff. The motion is **to direct staff to bring back on December 13, 2017, an agenda item that concurrently considers Alternative 5B and Alternative 1 in particular the Findings of Fact and Mitigation Measure documents necessary for a final evaluation of Alternative 1; plus have staff work with the stakeholder entity and the City on a timeline for those quarterly reports requested by Mr. Forhan, Mr. Frazier, and Mr. Brandau, so we can get a decent timeline on how long it will take to make 5B a reality. Lastly the City Manager requested**

the Board to direct staff to properly give Alternative 1 the same level of analysis that Alternative 5B received with regards to an approximant cost estimate.

Ms. Marks noted that the Conservancy does not have resources to develop a 30% design and estimates, and the Board should expect rough cost projections.

Mr. Donnelly stated he felt that is reasonable.

Mr. Borgeas continued that there was a motion by Ms. Alvis, and second by Ms. Vance.

Ms. Marks noted that the only source of a cost estimate for Alternative 1 the Conservancy would have would be the cooperation of the City of Fresno, and it might satisfy the Board.

Mr. Frazier asked the maker of the motion that the approval of 5B would include the “OR,” where Alternative 1 is the fallback—it would not drop off. And that could be the same for approval of Alternative 1. Is that part of the direction to staff?

Ms. Vance added that we need to be provided whatever the documentation exists regarding the nonprofit.

Mr. Spina asked for that as well.

Ms. Marks noted that there are different board members using different words to describe the direction to staff. She proposed that staff will be preparing a package of documentation/findings to consider approval of Alternative 1 and a package to consider Alternative 5B, so that you could approve either one. In the staff report we will attempt to answer as many of the Board’s questions as possible.

Mr. Borgeas noted that approval of either alternative should include default language to the other alternative, similar to Mr. Brandau’s motion.

Ms. Morkner Brown noted the Board is including in both resolutions the default to the other alternatives.

The vote was as follows:

ROLL CALL TO VOTE:

Name	Yes	No	Abstain
Mr. Andreas Borgeas	X		
Mr. Brett Frazier	X		
Mr. Steve Brandau		X	
Mr. William Oliver	X		
Mr. Roy Spina	X		
Mr. Carl Janzen	X		
Ms. Julie Vance	X		
Mr. Kent Gresham	X		
Mr. John Donnelly	X		
Ms. Julie Alvis	X		
Ms. Jennifer Lucchesi	X		
Ms. Karen Finn	X		
Ms. Bryn Forhan	X		
Mr. Paul Gibson		X	

The motion passed.

Mr. Borgeas noted that the item will carry to a Board meeting December 13, 2017. Staff noted that the location of the meeting has not yet been determined. People will need to check the agenda on the website.

H. ADMINISTRATIVE AND COMMITTEE REPORTS

If time allows, the following oral reports will be provided for informational purposes only, and may be accompanied by written reports in the Board packet. No action of the Board is recommended.

H-1 Organizations

H-1a San Joaquin River Parkway and Conservation Trust

H-1b RiverTree Volunteers

H-2 Deputy Attorney General

H-3 Executive Officer

H-4 Board Members' Reports

I. EXECUTIVE SESSION

Before convening in closed session, members of the public will be provided the opportunity to comment on Executive Session agenda items.

None.

J. NOTICE OF BOARD, ADVISORY, AND PUBLIC MEETINGS

None.

K. NEXT BOARD MEETING DATE

The next meeting of the Board is scheduled for December 13, 2017, at 10:30 a.m. at a location that will be determined. Please look for meeting notices at www.sjrc.ca.gov.

L. ADJOURN

Chairperson Borgeas adjourned the meeting at approximately at 4:51 p.m.

Board meeting notices, agendas, and approved minutes are posted on the Conservancy's website, www.sjrc.ca.gov. For further information or if you need reasonable accommodation due to a disability, please contact Rebecca Raus at (559) 253-7324 or Rebecca.Raus@sjrc.ca.gov.

Respectfully Submitted,


for _____
Melinda S. Marks, Executive Officer